

SECTION
ELIGIBILITY FOR SERVICES**SUBJECT**
DEVELOPMENTALLY DISABLED**PROGRAM OVERVIEW**

The Developmental Disabilities Program (DDP) is the state agency that provides services to individuals with developmental disabilities. DDP contracts with private, non-profit corporations to provide services to individuals with developmental disabilities. These service programs are located in communities throughout Montana and provide an array of residential, work opportunities and case management for adults and support services for children. For information about services to individuals with developmental disabilities call 1-406-444-2995 or visit the Disability Services Division website at <http://www.dphhs.state.mt.us/dsd/index.htm>.

DEFINITION

“Developmentally Disabled” means a person with a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurologically handicapping condition closely related to mental retardation and requiring treatment similar to that required by persons with mental retardation if the disability originated before the person attained age 18, has continued or can be expected to continue indefinitely and results in the person having a substantial disability.

SUBSTANTIAL DISABILITY

Means needing direct assistance in activities of daily living such as, but not limited to: eating, dressing, bathing, planning and preparing meals, shopping, planning for leisure time activities, caring for place of residence, and money management due to the developmental disability.

DEVELOPMENTALLY DISABLED WAIVER SERVICE

The Department has two DD Waivers to provide Home and Community-Based Services to persons determined to be developmentally disabled in accordance with the definitions above and who would otherwise require the level of care provided in an Intermediate Care Facility for the Persons with Mental Retardation (ICF/MR). Individuals eligible for services through the DDP are not generally eligible to receive services under the HCBS waiver. For exceptions to this policy refer the paragraph below titled “Individuals with Brain Injuries”.

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Individuals who are developmentally disabled may not access the HCBS waiver unless the placement is jointly authorized by the HCBS Program Officers and the DD Program Director or designee, and each of the following criteria are met:

- The individual has sustained a Brain Injury prior to age 18;
- The individual's needs can be appropriately met by the HCBS waiver;
- The applicant meets all waiver eligibility criteria, including SSA certification of disability and level of care criteria; and
- The relevant case management team selects the applicant for an opening.

BRAIN INJURY

- (I) Means an injury to the brain by an external physical force, including but not limited to; a motor vehicle accident, a fall, an assault, a sports injury, or a recreational or work-related accident; or
- (II) Brain damage caused by an internal occurrence including but not limited to;
- (A) disease, such as a benign or malignant tumor, meningitis, or encephalitis;
 - (B) or a cerebrovascular accident, such as stroke, arteriosclerosis, aneurysm, or arteriovenous malformation; or
 - (C) anoxia, including but not limited to anoxia caused by near drowning, drug overdose, kidney or heart failure, chemical exposure, or electrical shock.

The term Brain Injury does not include injuries of a degenerative or congenital nature.

ELIGIBILITY FOR CHILDREN PRIOR TO AGE SIX

1. If the child is not developmentally disabled, he or she would not be eligible for the DD Waiver, and thus should be referred to the HCBS waiver.
2. If the child is developmentally disabled he or she should be referred to the DD Waiver, and would not be eligible for the HCBS Waiver (unless the child has a Brain Injury).
3. If the child is under the age of six, and a determination cannot be made as to whether or not the child is developmentally disabled, then he or she would be referred to the HCBS Waiver until such time as it is determined that the child is developmentally disabled. When that determination of developmental disability is made, the child should be transitioned to DDP services, with the following considerations:
 - A. No child will be exited from the HCBS waiver prior to being offered appropriate DDP services; and
 - B. No money will transfer from SLTC to pay for DDP services.

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